

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

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DAVID VANN,

18-CV-6464 (EAW)(JMP)

Plaintiff,

-against-

THE CITY OF ROCHESTER, a municipal entity, POLICE OFFICER MATTHEW DRAKE, IBM # 1956, POLICE OFFICER STEVEN MITCHELL, IBM # 2134, INVESTIGATOR JEFFREY KESTER, IBM # 2230, SERGEANT JEFFREY LAFAVE, II, IBM # 1634 POLICE OFFICER DAVID E. KEPHART, IBM # 2074, POLICE OFFICER ADAM BRODSKY, IBM # 2478, POLICE OFFICER TIMOTHY DEMPSEY, IBM # 2122, INVESTIGATOR CHRISTOPHER MUSCATO, IBM # 1331, CAPTAIN GARY MOXLEY, POLICE OFFICER ANGEL PAGAN, IBM # 2421, POLICE OFFICER CHRISTOPHER J. BARBER, IBM # 1949, SERGEANT DANIEL J. ZIMMERMAN, IBM # 295, POLICE OFFICER ERIC MCGRAW, IBM # 2131, SERGEANT JOSEPH LAIOSA, IBM # 1180, INVESTIGATOR TOMESHA ANGELO, IBM # 1665, TECHNICIAN STEPHANIE MINTZ, IBM # 2496, Police Officers "JOHN DOES 1-10" (whose names are currently unknown), and other unidentified members of the Rochester Police Department,

Defendants.

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**PLAINTIFF'S THIRD SET OF INTERROGATORIES AND FOURTH SET OF
DOCUMENT REQUESTS¹**

PLEASE TAKE NOTICE that Plaintiff, by and through his attorney, and pursuant to Federal Rules of Civil Procedure 26, 33, and 34 requests that the Defendants answer each of the following interrogatories separately and fully in writing and under oath within thirty days after service thereof; and further, within thirty days, produce for copying and inspection at the office

¹ Plaintiff hereby incorporates the Definitions and Instructions included in Plaintiff's First Request for the Production of Documents.

of Roth & Roth, LLP, 192 Lexington Avenue, 8th Floor, New York, New York 10016, all documents and materials described herein.

INTERROGATORIES:

1. Between October 9, 2011 to June 30, 2016, when the Professional Standards Section received a Subject Resistance Report, what was the process for reviewing the incident?
2. From June 30, 2016 to today, when the Professional Standards Section receives a Subject Resistance Report, what was the process for reviewing the incident?
3. Between October 9, 2011 to June 30, 2016, did the Professional Standards Section ever initiate an investigation solely based on its review of a Subject Resistance Report?
4. For each PSS number listed in Exhibit "A" (which are the PSS numbers listed on the SRRs produced by Charles LoFaso for the time period October 9, 2011 to June 30, 2016) identify by PSS number and date each incident that PSS investigated, and state the following:
 - a) The involved officers
 - b) The charges against each officer
 - c) The final outcome / disposition for each charge.
 - d) Whether any discipline was imposed.

DOCUMENT DEMANDS:

1. Produce every PSS file associated with the PSS numbers listed in Exhibit "A", which are the PSS numbers listed on the SRRs produced by Charles LoFaso for the time period October 9, 2011 to June 30, 2016.

Dated: New York, New York
January 24, 2024

ROTH & ROTH LLP

By: ~//s//~
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